

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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ELIZA P. HACKEFF CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

| | | |
|---------------------------------|---|--|
| Theodore Davis, |) | |
| Plaintiff |) | |
| v. |) | Case No. <u>2:05-cv-632-MHT</u> |
| |) | |
| Armstrong Relocation, Lln, |) | COUNSEL FOR THE PLAINTIFF |
| Edna Dumas, City of Montgomery, |) | Motion to withdraw due to health problems |
| et. Al. | (| and inability to provide proper counsel for |
| Defendants. |) | the Plaintiff. |

MOTION TO WITHDRAW BY COUNSEL DUE TO HEALTH PROBLEMS

Comes Now counsel for the Plaintiff, Theodore Davis, and submits the following motion to withdraw due to health problems.

1. Counsel has had severe medical problems since the filing of this matter and undergone treatment which he hoped would allow him to continue with this case.
2. Recent problems have developed that is requiring counsel to make major adjustments to his lifestyle in order to comply with medical instructions.
3. Counsel is about to start a series of additional test and/or treatment for circulatory related issues, a bleeding ulcer, and related problems. Said test include stress tests , scopes, and some physical therapy, all of which will keep counsel out of the office and away from his practice.
4. Counsel has advised the Plaintiff that this might come about but would do everything in his power to prevent said withdrawal. However, after several months of treatment and followup the problems have not gotten better and counsel is asking this Honorable court to allow

counsel to withdraw and the Plaintiff time to get new counsel in this matter.

5. Counsel has tried everything possible to prevent this motion from being filed but circumstances or beyond his control.

Wherefore based on the above statements and request the counsel for the Plaintiff asks that the Court allow him to withdraw from this matter and to give the Plaintiff time to seek new counsel.

Done this the 5rd day of June, 2006.



Michael Rountree, (ROU009)
Counsel for the Plaintiff

Of Counsel:

ROUNTREE & ASSOCIATES, P.C.
448 Saint Lukes Drive
Montgomery, Alabama 36117
Phone: (334) 270-8291
Fax: (334) 270-8294

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of June, 2006, served a copy of the foregoing amended complaint to all known parties to this proceeding by placing the same in the United States mail, properly addressed and first-class postage prepaid to the following counsel of record.

Winston Sheehan, Jr. Esq.
Ball, Ball, Mathews & Novak, P.A.
P.O. Box 2148
Montgomery, Al. 36117

Hon. George L. Beck, Jr.
Post Office Box 2069
Montgomery, Al. 36102-2069

City of Montgomery Attorney's Office
Wallace D. Mills, Esquire
103 North Perry Street
Montgomery, Al. 36104

U.S. District Court - Clerk of Court
US Courthouse
Montgomery, Al. 36752

Jeffrey W. Smith, Esq.
Slaten & O'Connor, P.C.
105 Tallapoosa Street, Suite 101
Montgomery, Alabama 36104

Judy Van Heest, Esquire
Beers, Anderson, Jackson, Patty & Van Heest, P.C.
P.O. Box 1988
Montgomery, Al 36102



OF COUNSEL

A handwritten signature of Judy Van Heest is written over a horizontal line. Below the line, the words "OF COUNSEL" are printed in a standard font.